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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL W. PERTUSET,

Plaintiffs,

v.

DON D. JONES, et al.,

Defendants.

) CASE NO. CI-02-366
)
) JUDGE SPIEGEL
)

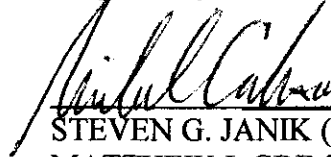
) **NOTICE OF SUPPLEMENTAL**
) **AUTHORITY IN SUPPORT OF**
) **DEFENDANT NATIONAL UNION**
) **FIRE INSURANCE COMPANY OF**
) **PITTSBURGH, PA'S MOTION TO**
) **STAY THE PROCEEDINGS**

Defendant National Union Fire Insurance Company of Pittsburgh, PA ("National Union") respectfully supplements its Motion to Stay the Proceedings in this case until such time as the Supreme Court of Ohio rules in the pending cases of *Tucker v. Wilson*, Case No. CA2002-01-002, 2002-Ohio-5142 (12th Dist., September 30, 2002), and *Keegan v. American International Group, Inc.*, Certified State Law Question, Case No. 3:02CV7127 (N.D. Ohio 2003); *Westfield Ins. Co. v. Galatis*, C.A. No. 20784 (9th Dist. Apr 3, 2002), *cert. granted* 98 Ohio St. 3d 1420, 782 N.E.2d 76 (2003); *Skala v. Grange Ins. Co.*, 2002 WL 31115067 (9th Dist., Sept. 25, 2002), *cert. granted* 98 Ohio St.3d 1420, 782 N.E.2d 76 (2003); *Burkhart v. CAN Ins. Co.*, Cas No. 2001CA00265 (5th Dist., February 25, 2002), *cert. granted*, 96 Ohio St.3d 1338, 770 N.E.2d 1048 (2002).

Recently, Judge Graham of the United States District Court for the Southern District of Ohio granted a similar motion in the case of *Kearns, et al. v. AIG Risk Management, Inc., et al.*, Case No. C2-02-146 (U.S.D.C., Southern District of Ohio, Eastern Division, July 10, 2003) (Ex. A). Moreover, numerous judges across the State of Ohio have stayed proceedings in similar matters when confronted with issues upon which the ultimate resolution of the matter will be determined by forthcoming Supreme Court decisions. See, *Francis E. Sweeney, Jr. Admin., Etc. Estate of Alton Bennett*, Case No. CV-01-450669, (C.P. Cuyahoga Cty., Nov. 7, 2002) (Ex. B); *Koch, et al. v. Perry, et al.*, Case No. 4801-CI-200105732 (C.P. Lucas Cty., June 3, 2003) (Ex. C); *Donnerwirth, et al. v. Meyers, et al.*, Case No. CV-03-492891 (C.P. Cuyahoga Cty., June 26, 2003) (Ex. D); *Albright v. John Doe Driver, et al.*, Case No. CV-02-487306 (C.P. Cuyahoga Cty., July 15, 2003) (Ex. E); *Buchanan v. Boniphan, et al.*, Case No. 2002-CV00744 (C.P. Stark Cty., July 18, 2003) (Ex. F); *Sloan, et al. v. State Farm Insurance Companies, et al.*, Case No. CV 1999-06-2273 (C.P. Summit Cty., July 18, 2003) (Ex. G); *Hayden v Reash, et al.*, Case No. CV-02-05-2632 (C.P. Summit Cty., July 22, 2003) (Ex. H); *Ball v. Motorist Insurance Companies, et al.*, Case No. 2002-CV-02793 (C.P. Stark Cty., July 23, 2003) (Ex. I); *Picheco, et al. v. Geico Direct, et al.*, Case No. 02-CV-454-H (C.P. Richland Cty., July 28, 2003) (Ex. J); *Kelley v. Old Republic Insurance Company, et al.*, Case No. 02-CV-190 (C.P. Holmes Cty., July 28, 2003) (Ex. K); *Bickman, et al. v. Adecco Employment Services, et al.*, Case No. 03CVH-02-1427 (C.P. Franklin Cty., Aug. 4, 2003) (Ex. L); *Lawson, et al. v. National Union Fire Insurance Company of Pittsburgh, PA*, Case No. 4:02CV2053 (U.S.D.C., Northern District of Ohio, Eastern Division, Aug. 19, 2003) (Ex. M).

For the foregoing reasons, National Union respectfully moves this Court to stay this matter pending the decisions of the Supreme Court of Ohio in *Allen, Keegan, Dalton, Tucker* and *Burkhart*.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steven G. Janik", is written over a horizontal line.

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CERTIFICATE OF SERVICE

A copy of the Notice of Supplemental Authority in Support of National Union Fire Insurance Company of Pittsburgh, PA's Motion to Stay Proceedings was filed this 9th day of September, 2003 via Federal Express and by first class, U.S. Mail, postage prepaid upon:

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